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JAN 21 2010

DIV. OF OIL, GAS & MINING

January 19, 2010
John Baza, Director
Utah Division of Oil, Gas & Mining
P.O. Box 145801
Salt Lake City, Utah 84116-5801

RE: Wright-Garff Resources v. Star Stone Quarries; Docket No. 2007-011

Dear Director Baza :

This office represents Wright-Garff Resources, LLC in respect to the ongoing application for small mining permit on Lot 38, Browns Canyon, Summit County, Utah. We initially appealed the decision of staff to not allow my client's small mining permit to you, and then appealed your decision to the Board of Oil, Gas & Mining. The central issue in the case was whether Star Stone Quarries, who had lost substantially all mining rights on the property couple preclude, by its large mining permit, the mineral estate holder from mining on the property. The Board ruled in Wright-Garff's favor, stating specifically:

"Any failure by SSQ to hereafter file a Notice of intention to Revise large Mining Operations as required by Utah Code Ann. ¶40-8-18(1)(a) and by this Order will constitute a violation of the requirements of Chapter 8 of Title 40 and may subject SSQ to possible civil penalties pursuant to Utah Code Ann. ¶40-8-9.1, cessation orders pursuant to Utah Code Ann. ¶40-8-9(3)(c), and criminal charges pursuant to Utah Code Ann. ¶40-8-9(1)." 10/5/07 BOGM decision, p. 6

"SSQ is required to file a Notice of Intention to Revise Large Mining Operations where there is a change in operations as significant as SSQ's loss of its leasehold rights to extract minerals from the majority of its permit area." 1/4/08 BOGM decision, p.5

In its ruling 1/4/08 "The Board found, however, that while SSQ's existing 40-acre permit was granted at a time when SSQ possessed leasehold rights which enabled it to actually extract minerals from a large portion of that area, SSQ lost those rights as to all but a mere 3.5 acres of land."

"The Board further found that despite this massive change in circumstances and mining operations, SSQ had failed to take any action to revise its permit as required

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John Baza letter, Page -2-

by law so that the operations of WG, which now holds the mineral interest to most of the remaining acreage, might be accommodated." p.3

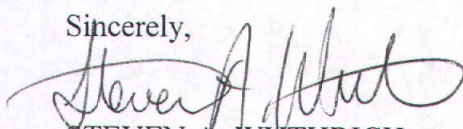
It has come to our attention that now, 2 years later, apparently Star Stone Quarries has still not revised its large mining permit to reflect that it cannot mine on any area of Lot 38 save and except approximately 3.5 acres wherein the BLM holds the mineral interest. ¹ My client is extremely disappointed that, given the years of litigation, the attempted blocking of mining rights of Wright - Garff by Star Stone, and the frivolity of some of Star Stones claims, both before BOGM and the Courts, that staff has still not enforced the order of the Board.

Are we correct in this regard, *i.e.*, has Star Stone Quarries still not submitted a revised NOI? If so, why have criminal charges not been filed under U.C.A §40-9-9(1)? What more flagrant case of ignoring the law could possibly exist?

Its our understanding that the mission of your Division is to promote the economic development of valuable and scarce mineral resources, while balancing the environmental and industrial impacts of the mining activity. How does not enforcing the explicit rulings of the Board and allowing a permit holder who has lost his mineral lease rights to continue to hold a permit to the detriment of the lawful mineral owner further that mission? We respectfully request the rulings of the BOGM be enforced promptly and effectively.

Thank you in advance for your attention to this matter.

Sincerely,



STEVEN A. WUTHRICH

SAW/sw

¹ However, even there, inasmuch as Wright-Garff retained 100% of the subsurface rights, Star Stone Quarries could not penetrate the surface without the consent and permission of Wright-Garff. Thus, as a practical matter, Star Stone Quarries has no ability to mine anything on Lot 38 absent the express written permission and consent of Wright-Garff.